

Services to Consumers from the Medical Board of California



Medical Board of California
1426 Howe Avenue, Suite 54
Sacramento, CA 95825-3236

VISIT OUR WEB SITE AT:
www.medbd.ca.gov

IMPORTANT PHONE NUMBERS

General Information 916 • 263 • 2382
Verification of Physician License and Consumer
Information About Doctors 916 • 263 • 2382
Copies of Legal Documents 916 • 263 • 2525
Executive Office 916 • 263 • 2389
Toll-free Complaint Line 800 • 633 • 2322

July 2001
**MEDICAL BOARD
OF CALIFORNIA**

Medical Board of California



Single copies of this booklet are available without charge. Please send a self-addressed envelope with your request. Copies also are available in bundles of 25 for \$6 per bundle.

To order send your request with a check payable to:

**Medical Board of California
1426 Howe Avenue, Suite 54
Sacramento, CA 95825-3236**



For additional information:
(916)263-2382
fax (916)263-2944
www.medbd.ca.gov

What services does the Medical Board of California provide to consumers?

The Medical Board is a California State government agency, which licenses and disciplines medical doctors. The Board provides two principal types of consumer services: information about physicians, and investigation of complaints against physicians.

The Board is not a physician referral service. That is, we cannot direct you to a physician in your community to be your doctor. However, the following information should make choosing a doctor easier for you.

How to Choose a Doctor . . .

Choosing a qualified medical doctor is an important element of your health care. You should have a primary care physician who is responsible for your overall medical care. In the event you need a specialist (such as a cardiologist, dermatologist, psychiatrist, etc.) generally your primary care physician will refer you to one.

Many specialists will not accept a patient unless he or she has been referred by a primary care physician. In addition, most insurance plans will not pay for a specialist's care unless you have been referred.

The main types of primary care physicians are:

- ✓ Family Physician (specialist in caring for all age groups and the family)
- ✓ Internist (specialist in adult medicine)
- ✓ Obstetrician/Gynecologist (specialist in women's health)
- ✓ Pediatrician (specialist in the care of children and adolescents)

1. Gather names

If you have a health insurance plan, the first step is to contact the plan and find out if there is a list, or “panel,” of the physicians who participate in that plan. Most insurance companies will pay only physicians who are “panel members” and have agreed to certain conditions for payment. If your company has such a panel, you will need to choose from the list of members.

The Board’s homepage at www.medbd.ca.gov, includes links to health plans with homepages. The listing indicates which plans have physician listings.

If you have moved recently, your physician from your previous community may be able to recommend someone in your new home.

Ask friends or family if they know a physician who has given quality care in the past.

Local medical societies usually have a physician referral service. They will give you three or four names based on your area and the kind of physician you need. Some hospitals also may be able to give you names of physicians to consider.

To find a medical society, look in the white pages under *(name of your county) Medical Society*. Some phone books also list societies under *Consumer Protection, Physicians and Surgeons*, or *Associations*. For hospitals, look in the yellow pages.

2. Ask Questions

You would not trust your home to a contractor without discussing your needs and confirming qualifications. You should do no less when choosing a physician.

Telephone or write the physicians you are considering, or talk to their staffs. Be prepared to disclose your special needs, and to ask the following questions:

- ✓ Are you accepting new patients?
- ✓ What insurance plans do you accept?
- ✓ At which hospitals do you have staff privileges? Are there any limitations on your privileges? (Privileges means that the hospital has agreed to let a physician use its facilities. You should make sure the physician has “admitting” privileges, which means he or she can have patients admitted to that hospital.)
- ✓ For physicians who do surgery, ask where he or she performs surgical procedures. If a physician does not have surgical privileges at a hospital, you may want to inquire further into the reasons.
- ✓ Do you practice alone, or are you part of a medical group?
- ✓ If so, how many members are in the group, and do they take your calls when you are not available?
- ✓ What arrangements do you make for caring for your patients in your absence?
- ✓ Are you certified by a medical specialty board? Which one? (Specialty boards determine if a physician has advanced qualifications to practice a specialty, such as surgery, pediatrics, obstetrics, etc. Specialty certification requires years of training, and passing an examination.)

(NOTE: In recent years, many specialty boards have arisen which have minimal standards. The Medical Board of California has identified several organizations which can provide information about specialty certification standards, and about boards which meet those standards.

For additional information, visit our Web site at www.medbd.ca.gov. We maintain links to the American Board of Medical Specialties (ABMS), and to those individual non-ABMS boards which have shown they meet the standards set by the Medical Board.

If you do not have access to the Internet, you can call the ABMS at 800-776-2378 between 9 am and 6 pm **Eastern** time to check if a physician's certifying board is ABMS approved. They also can provide the phone number of the individual certifying specialty board.)

3. Call the Medical Board or check our homepage

You have the right to receive answers to the following questions by contacting the Medical Board of California.

- ✓ Is the physician currently licensed?
- ✓ Has the Medical Board ever taken any disciplinary action against the physician? If yes, ask how you can request a copy of the disciplinary decision.
- ✓ Are there disciplinary charges (called an *Accusation*) pending? If yes, ask how you can request a copy of the *Accusation*.
- ✓ Is there any other public information on this doctor's record (criminal convictions, malpractice judgments, hospital disciplinary actions, etc.)?

(NOTE: You also can access much of the above information on our homepage. The Medical Board can give you this information, but cannot recommend a doctor.)

4. Check Court Records

To learn if any malpractice lawsuits have been filed against a physician, you may check the county's "civil index." This index generally is maintained in the County Clerk's Office, but may be at the Superior Court office of your county.

The Medical Board has information on malpractice judgments and arbitration awards back to January 1, 1998, and awards over \$30,000 back to January 1, 1993. If there are

recent malpractice suits, ask the physician for an explanation. Please keep in mind that anyone can file a lawsuit at any time. The existence of a suit does not automatically indicate the physician practices medicine badly; it may mean a patient was unhappy about the outcome of treatment received, without any fault of the physician. A *pattern* of legal actions, however, may be cause for concern.

5. Make an appointment

After you have made your decision, make an appointment to meet the doctor. It is best to meet the physician when there is nothing urgently wrong, when you are not acutely ill. This meeting will give you an opportunity to determine whether you are comfortable with the physician, the support staff and the facilities.

You should feel that you were treated courteously, that all of your questions were answered, and that you did not feel rushed or dismissed.

I s everything OK?

If you have taken all of the above steps, and are comfortable with your choice, GREAT! If not, don't be afraid to keep trying. It is *your* health that is at stake, and it is *your* choice.

In the event of a problem involving a physician, go to Page 10 of this booklet for information on filing a complaint.

For additional information
on the status of a license,
check our Web site at:

www.medbd.ca.gov
(click on "*Check on Doctor Online*")

or by phone at:
916 • 263 • 2382

What is the Medical Board of California?

The Medical Board of California is the state agency responsible for licensing and disciplining medical doctors (physicians). The Board is made up of 19 members, including 12 physicians and seven public members. The Governor appoints all the physicians and five public members, while the Legislature appoints two public members. The Board meets four times each year, in various cities around the state.

Members of the Board are appointed to one of two “divisions” which have the following legal authorities and responsibilities.

DIVISION OF LICENSING

(four physicians, three public members)

- ✓ Assures all physicians licensed by the Board have adequate education and training.
- ✓ Sets standards for medical education.
- ✓ Evaluates the curricula and training offered by medical schools, and disapproves those which do not meet California’s high standards.
- ✓ Reviews non-routine applications for physician licenses.
- ✓ Oversees the regulation of dispensing opticians, direct-entry midwives, research psychoanalysts and medical assistants.

Staff of the Medical Board:

The Board has a staff of more than 280 select individuals including trained medical investigators, physicians, and a wide variety of support staff and administrators.

DIVISION OF MEDICAL QUALITY

(eight physicians, four public members)

- ✓ Through its staff, receives and evaluates complaints against physicians and non-physician licensees of the Board.
 - ✓ Division staff investigates complaints where there is reason to believe the law may have been violated.
 - ✓ With legal assistance from the Attorney General, staff files charges against violators and prosecutes the charges.
 - ✓ At the Board’s request, the Attorney General’s staff represents the Board at public hearings for physicians accused of violating the law.
- The Division members themselves:
- ✓ Adopt, modify, or reject the proposed decisions of Administrative Law Judges (ALJ) following hearings.
 - ✓ Adopt alternative decisions when ALJ decisions are rejected.
 - ✓ Adopt disciplinary actions that are negotiated through stipulated agreements between the Board and accused physicians.
 - ✓ Oversee a Diversion Program which seeks to rehabilitate physicians and other health professionals impaired by alcohol or other substance abuse.

When you have a problem with a physician • • •

Most patients have no major problems with their physicians. If there are any problems, usually they are minor inconveniences such as scheduling appointments, personality conflicts, or disputes over bills or insurance.

However, if you have a problem with a physician, and you believe it is affecting the quality of the care you receive, you should contact the Medical Board of California (MBC).

The MBC is the state agency responsible for licensing medical doctors (physicians). It also is responsible for investigating complaints against physicians, and for taking action against those who break the law.

If a physician allegedly broke the laws that apply to the practice of medicine, the Board will investigate the situation, and may take disciplinary action against the doctor. If the charges are proved, the Board can revoke or suspend the physician's license to practice medicine, or place the physician on probation, restrict his or her practice, or impose other legal sanctions.

Major categories of violations of law:

A physician can be disciplined for a number of reasons. The three most serious categories are:

● Gross Negligence • • •

Gross negligence is an extreme departure from accepted standards of practice. That is, the doctor has done something that most other doctors would not think was correct. One act of gross negligence may be enough to take action against a physician's license. Some examples of gross negligence include:

- ✓ Not doing basic diagnostic tests;
- ✓ Not recognizing or acting on common symptoms;
- ✓ Not using accepted, effective treatments or diagnostic procedures;
- ✓ Using procedures that are generally considered to be useless or outdated;
- ✓ Not referring a patient to a specialist when that is appropriate.

● Repeated negligent acts • • •

Negligent acts that are not an *extreme* departure from accepted standards of practice, but are still negligent, are considered *simple negligence*. One act of simple negligence usually is not enough to take formal action against a doctor's license. However, a *pattern* of repeated negligent acts is sufficient grounds in many cases.

● Incompetence • • •

If a physician is found to be performing procedures that are beyond his or her training or expertise, or continuing to use a procedure that is unnecessary or obsolete, this may be evidence of incompetence. In addition, a physician who is unable to recognize and act appropriately on symptoms would be considered incompetent.

The Board often finds evidence of more than one problem, such as simple or gross negligence **and** incompetence in the same investigation.

Other causes for disciplinary action:

- ✓ Substance abuse (misusing alcohol or other drugs)
- ✓ Sexual misconduct with patients
- ✓ Conviction of a serious crime
- ✓ Violating drug laws and misprescribing. (Physicians must not prescribe drugs to a person they know is an addict, or provide drugs or prescriptions when they know or believe the drugs will be sold illegally on the streets, or prescribe controlled substances without adequate medical reasons and a good faith examination.)
- ✓ Dishonesty, including filing false or fraudulent insurance, Medi-Cal or Medicare claims, making illegal referrals, or engaging in kick-back schemes (accepting money for referring patients to other health practitioners, or accepting part of the fee paid to another practitioner).
- ✓ Knowingly allowing an unlicensed person to practice medicine.

● When should you file a complaint with the Board?

You should consider filing a complaint with the Board when you believe that what a physician is doing or not doing may cause harm to you or another person. If you are not sure about a situation, you should call the Board and ask for guidance.

If you file a complaint with the Board, it will be confidential unless the Board holds a hearing on the case. If that happens, you may be asked to testify or to make a statement under oath about the circumstances relating to the complaint (a deposition).

Anyone who files a complaint is immune from liability for doing so, regardless of whether he or she is a patient, a family member, another health provider or even another physician.

● The complaint and discipline process • • •

When a complaint is filed with the Board, we determine whether it is against one of our licensees, and whether it is a possible violation of law. If we believe it is a violation, we send it to one of our district offices where it is investigated.

If a violation is confirmed, the Attorney General's office files legal charges against the physician (called an *Accusation*). If there appears to be immediate danger to the public, the Attorney General also may ask a judge to issue a *Temporary Restraining Order* or an *Interim Suspension Order* to keep the doctor from practicing until a hearing is held.

The Board also may request a competency examination, or a psychiatric examination, and may contact local law enforcement agencies if there appear to be criminal violations involved.

The case then may be heard by an Administrative Law Judge (ALJ), who will recommend to the Board what sort of action(s) to take against the doctor. In some cases, the attorneys representing the doctor and the Board may negotiate a stipulated agreement to resolve the case without holding a hearing.

The Board has the legal authority to revoke, suspend or limit licenses, to place a doctor on probation, to order psychiatric examinations and treatment, to order competency examinations and additional training, to fine a physician, to order community service, and a variety of other actions. If the case involves alleged criminal

violations, the Board will refer the matter to a local city or district attorney, who may file criminal charges against the physician.

In addition to physicians, the Board also accepts complaints against:

- ✓ Opticians, Contact Lens and Spectacle Lens Dispensers
- ✓ Medical Assistants
- ✓ Podiatrists
- ✓ Physician Assistants
- ✓ Psychologists
- ✓ Research Psychoanalysts
- ✓ Licensed Midwives (non-nurse)

The Board does **not** have jurisdiction over fees or health facilities (hospitals, nursing homes, clinics, surgicenters, etc.).

To talk to a Medical Board Consumer Services Analyst, who can assist you with your complaint or refer you to the proper agency, call the Board's toll-free complaint line:

800 • 633 • 2322
(800 • MED • BD • CA)

The Board also has a comprehensive Web site at:

www.medbd.ca.gov

From our homepage, you can link directly to numerous other agencies and organizations, print complaint forms, see your physician's profile, and get the latest information about the Board.

Other consumer information:

The Board has other publications which may help you. To order call (916) 263-2466.

- ✓ "A Patient's Guide to Blood Transfusions"
- ✓ "A Woman's Guide to Breast Cancer Diagnosis and Treatment"
- ✓ "What You Need to Know About Prostate Cancer"
- ✓ "Guidelines on Prescribing Controlled Substances for Intractable Pain"
- ✓ "Things to Consider Before Your Silicone Implant Surgery"
- ✓ "Annual Report" (request specific year: such as 1997-98 or 1999-00)
- ✓ **Action Report**, the Board's quarterly newsletter and report of administrative actions. Back issues are available in limited numbers.

Many consumers now receive health care through prepaid health plans, also known as HMO, PPO, IPA, Managed Care, or Capitated Health Plans. If you have a problem with an individual physician in one of these organizations, you should call the Board's hotline at:

800 • 633 • 2322

But if you have a problem with the health plan, such as denial of a treatment, or a billing problem, you should call the Department of Managed Health Care, which regulates health plans.

Their toll-free consumer assistance hotline is:

800 • 400 • 0815
888 • HMO • 2219
TDD: 877 • 688 • 9891